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FEDERAL COMMUNICATIONS COMMISSION
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June 20, 1994

Mr. William F. Caton
Acting Secretary,
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D. C. 20554

Via Messenger

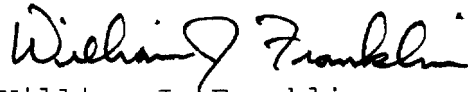
Re: **GN Docket No. 93-252**
Implementation of Sections 3(n) and 332
of the Communications Act
Regulatory Treatment of Mobile Services

Dear Mr. Caton:

Submitted herewith on behalf of Air Spectrum III, Inc. are an original plus five (5) copies of its Comments with respect to the above-referenced docket.

Kindly contact my office directly with any questions concerning this submission.

Respectfully submitted,



William J. Franklin
Attorney for Air Spectrum III, Inc.

Encs.
cc: Air Spectrum III, Inc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of Sections 3(n)) GN Docket No. 93-252
and 332 of the Communications)
Act)
)
Regulatory Treatment of)
Mobile Services)

To: The Commission

COMMENTS OF
AIR SPECTRUM III, INC.

Air Spectrum III, Inc. ("ASI"), by its attorney and pursuant to Section 1.415(b) of the Commission's Rules, hereby files Comments with respect to the Further Notice of Proposed Rulemaking adopted in the above-captioned proceeding.^{1/} ASI urges the Commission to be sensitive to the specific technical, economic, and regulatory constraints on 900 MHz SMR systems, and to adopt rules which foster their growth.

INTEREST OF ASI

ASI is the licensee of a trunked 900 MHz SMR system in the Ft. Lauderdale, Florida, Designated Filing Area ("DFA"). ASI also provides essential mobile communications services to existing 900 MHz customers by operating trunked systems in the 900 Mhz band outside of Florida DFAs using conventional (GU) licenses pursuant to NABER coordination. ASI's principals have extensive

^{1/} 9 FCC Rcd ____ (FCC 94-100, released May 20, 1994) ("FNPRM").

experience in the mobile-radio business. Accordingly, ASI is uniquely qualified to provide comments to the Commission on the proposed CMRS rules as they affect 900 MHz service providers.

THE COMMISSION SHOULD PROTECT EXISTING 900 MHz OPERATIONS OUTSIDE OF DESIGNATED FILING AREAS IN ADOPTING RULES FOR THE EXPANSION OF 900 MHz SMR LICENSING.

Paragraph 34 of the FNPRM requests comment on whether the Commission should proceed with its licensing of 900 MHz SMR systems outside of the existing DFAs on a regional (BTA and MTA) and nationwide basis.^{2/} ASI generally supports this licensing scheme, provided that its rights as an existing 900 MHz service provider in non-DFA areas are not foreclosed or limited.

Unquestionably, ASI has been well-serving the public interest by providing a valuable 900 MHz communications service in the Florida non-DFA areas. As the Commission proposed in its 900 MHz Phase II Notice,^{3/} the Commission should recognize the efforts of ASI (and similarly situated licensees) by protecting their existing operations during the non-DFA 900 MHz licensing and by giving their operations in their existing service areas primary status as 900 MHz SMR systems.

^{2/} See generally 900 MHz SMR Licensing, 8 FCC Rcd 1469 (1993) (First Report and Order and Further Notice of Proposed Rulemaking).

^{3/} See 900 MHz Phase II Licensing, 8 FCC Rcd 1469, 1480 (1993) (First Report and Order and Further Notice of Proposed Rule Making) ("900 MHz Phase II Notice").

CONCLUSION

Accordingly, Air Spectrum III, Inc. respectfully requests that the Commission protect the rights of existing 900 MHz service providers in non-DFA areas as set forth herein.

Respectfully submitted,

AIR SPECTRUM III, INC.

By: William J. Franklin
William J. Franklin
Its Attorney

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